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In re Application of :
DE LA POTERIE, Valerie *et al* :
U.S. Application No.: 10/526,675 :
PCT No.: PCT/FR2003/02480 :
Int. Filing Date: 06 August 2003 :
Priority Date: 06 September 2002 :
Attorney Docket No.: 08048-0067 :
For: MAKE-UP COMPOSITION FOR :
KERATIN FIBERS SUCH AS :
EYELASHES :

DECISION

This decision is in response to the "Petition to Correct International Application Number Under 37 C.F.R. §1.182" ("Pet.") filed on 26 September 2005.

BACKGROUND

On 04 March 2005, petitioners filed a national stage application listing the PCT application number on the transmittal letter (Form PTO-1390) as PCT/FR2003/02780. All other identifying indications in the application including the specification were for international application PCT/FR2003/02480.

On 25 July 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration in compliance with 37 CFR 1.497(a) and (b), a \$130.00 processing fee and a \$130.00 surcharge fee must be provided. The international application number was listed as PCT/FR03/02780. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 26 September 2005, applicants submitted an executed declaration and surcharge fee along with subject petition to correct the international application number in the above-captioned application.

DISCUSSION

In the petition, applicants state that the transmittal letter "incorrectly identified the subject PCT application as International Application No. PCT/FR2003/02780 rather than as PCT/FR2003/02480." Pet. at ¶ 3.

Despite this error, petitioners argue that the national phase application as filed is sufficient to identify the correct International Application No. PCT/FR2003/02480. This request is treated as a petition under 37 CFR 1.182. The \$400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong U.S. application number, PCT/FR2003/02780, was designated on the transmittal letter filed with the original papers. However, all other indications on the transmittal letter including the inventors, title, international filing date and priority date are for PCT/FR2003/02480. Moreover, the English translation of the specification submitted with the application was for PCT/FR2003/02480.

Hence, it is clear that the subject application was a national stage of PCT/FR2003/02480, not PCT/FR2003/02780 and the international application number listed on the transmittal letter was wrong.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 to correct the PCT application number listed on the transmittal letter is **GRANTED**.

Petitioners are reminded to use **PCT/FR2003/02480** for all future correspondence regarding this application.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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